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INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	SMEC-00
	OASY-00	DODE-00	ANHR-01	EAP-01	EB-01	EUR-01	OIGO-01
	H-01	INM-02	TEDE-00	INR-00	IO-14	JUSE-00	ADS-00
	M-00	NEA-01	NSAE-00	NSCE-00	OIC-02	OIG-04	OMB-01
	PA-01	PM-00	PRS-01	P-01	SP-00	SR-00	SS-00
	STR-01	TRSE-00	T-00	USIE-00	SA-01	PMB-00	PRM-10
	PRME-01	DRL-09	G-00	/060R			

DRAFTED BY: L/UNA:ETBLOOM

APPROVED BY: IO:JSNYDER

L:MMATHESON

AF/C:KAISTON

L:CNIX

DOJ:MWARLOW (SUBS)

USUN/W:DSCHIEFFER

DRL/MLA:JBURT-LYNN

G:AJOYCE

IO/UNP:GSTANTON

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK PRIORITY

INFO UN SECURITY COUNCIL COLLECTIVE

C O N F I D E N T I A L STATE 025818

E.O. 12356: DECL: OADR

TAGS: PREL, UNSC, PREF, PHUM, RW

SUBJECT: RWANDA: SC DETENTION RESOLUTION

REFS: A) 95 USUN 212 B) 95 STATE 11717

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C) 1/30 USUN/L - L/UNA FAX

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1. THIS IS AN ACTION MESSAGE.

2. DEPARTMENT HAS REVIEWED ITS DRAFT DETENTION RESOLUTION CONCERNING RWANDA IN LIGHT OF UK COMMENTS IN REF A AND USUN PROPOSALS B AND USUN CONSULTATIONS. AS A RESULT, USUN MAY ACCEPT THE FOLLOWING CHANGES TO OUR DRAFT.

A. WE PREFER "AUTHORIZES" IN OPERATIVE PARAGRAPHS 1 AND 3, BUT CAN ACCEPT "CALLS UPON" INSTEAD IF AFRICAN MISSIONS INFORM USUN THAT WITH THIS WORDING THEY WILL HAVE AUTHORITY TO DETAIN PERSONS AND WILL ACT ON THAT AUTHORITY. USUN SHOULD THEREFORE ADVISE MISSIONS OF ZAIRE AND TANZANIA THAT WE ARE PREPARED TO ACCEPT UK SUGGESTION OF "CALLS UPON," AND ASK IF THEY CAN ACCEPT IT TOO. IF THEIR RESPONSE IS POSITIVE, USUN SHOULD PRESS OTHER COUNCIL MEMBERS TO ACCEPT "CALLS UPON."

B. IF THERE IS SIGNIFICANT OPPOSITION TO USING "CALLS UPON" IN PARA. 3, THEN DEPARTMENT WILL ACCEPT "URGES" IN PARA. 3 WITH "AUTHORIZES" OR "CALLS UPON" FOR PARA. 1 (AGAIN IF AFRICAN MISSION REACT POSITIVELY TO "URGES").

C. IN OPERATIVE PARAGRAPH 2, WE AGREE TO HMG REDRAFT: "CALLS UPON STATES CONCERNED"

D. IN OPERATIVE PARAGRAPH 3, MISSION MAY ACCEPT HMG PROPOSAL: "CALLS UPON STATES ON WHOSE TERRITORY SERIOUS ACTS OF VIOLENCE IN REFUGEE CAMPS HAVE TAKEN PLACE TO DETAIN PERSONS AGAINST WHOM THERE IS EVIDENCE THAT THEY
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HAVE INCITED OR PARTICIPATED IN SUCH ACTS."

D. IN OPERATIVE PARAGRAPH 4, ADD AS SUGGESTED BY HMG, "IN ACCORDANCE WITH APPLICABLE STANDARDS OF INTERNATIONAL LAW."

E. WITH RESPECT TO PARAGRAPH 5, USUN SUGGESTED IN REF C (ON THE BASIS OF CONSULTATIONS) THAT DRAFT COULD BE REVISED SO THAT THE PROSECUTOR WOULD ONLY BE INFORMED DIRECTLY IF THE DETENTION IS PURSUANT TO PARAGRAPH 1. DEPARTMENT BELIEVES THAT IT IS PREFERABLE FOR THE

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PROSECUTOR TO BE INFORMED IN ALL CASES. DEPARTMENT CAN ACCEPT HAVING THE RESOLUTION PROVIDE THAT THE PROSECUTOR BE KEPT INFORMED DIRECTLY FOR DETENTIONS PURSUANT TO PARAGRAPH 1, AND THROUGH THE SYG FOR DETENTIONS PURSUANT TO PARAGRAPH 2.

3. REVISED RESOLUTION WOULD THEN READ:

BEGIN TEXT

THE SECURITY COUNCIL,

REAFFIRMING ALL ITS PREVIOUS RESOLUTIONS ON THE SITUATION IN RWANDA, IN PARTICULAR ITS RESOLUTIONS 925 (1994) 935 (1994), 955 (1994), AND 965 (1994),

EXPRESSING ONCE AGAIN ITS GRAVE CONCERN AT THE REPORTS INDICATING THAT SYSTEMATIC, WIDESPREAD AND FLAGRANT VIOLATIONS OF INTERNATIONAL LAW INCLUDING ACTS OF GENOCIDE, HAVE BEEN COMMITTED IN RWANDA,

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NOTING THAT THESE REPORTS WERE CONFIRMED IN THE FINAL REPORT OF THE COMMISSION OF EXPERTS SUBMITTED PURSUANT TO RESOLUTION 935 (1994) (S/1994/1425),

RECALLING THE OBLIGATION CONTAINED IN RESOLUTION 955

(1994), WHICH CREATED THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA,

DETERMINED TO PUT AN END TO SUCH CRIMES AND TO TAKE EFFECTIVE MEASURES TO BRING TO JUSTICE THE PERSONS WHO ARE RESPONSIBLE FOR THEM,

CONCERNED BY THE CONDITIONS IN THE REFUGEE CAMPS OUTSIDE RWANDA' INCLUDING REPORTS OF VIOLENCE DIRECTED AGAINST REFUGEES WHO VOLUNTARILY WISH TO RETURN TO RWANDA,

NOTING THE REPORT OF THE SECRETARY-GENERAL ON SECURITY IN THE RWANDESE REFUGEE CAMPS OF 18 NOVEMBER 1994

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(S/1994/1308),

DETERMINING THAT THIS SITUATION CONTINUES TO CONSTITUTE A
THREAT TO INTERNATIONAL PEACE AND SECURITY,
ACTING UNDER CHAPTER VII OF THE CHARTER OF THE UNITED
NATIONS,

1. (AUTHORIZES) (CALLS UPON) MEMBER STATES TO DETAIN
PERSONS FOUND WITHIN THEIR TERRITORY AGAINST WHOM THERE IS
CREDIBLE EVIDENCE THAT THEY WERE RESPONSIBLE FOR ACTS OF
GENOCIDE OR OTHER SERIOUS VIOLATIONS OF INTERNATIONAL LAW
WITHIN THE JURISDICTION OF THE INTERNATIONAL CRIMINAL
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TRIBUNAL FOR RWANDA;

2. CONDEMNS ALL ATTACKS AGAINST PERSONS IN THE REFUGEE
CAMPS NEAR THE BORDERS OF RWANDA, AND DEMANDS THAT SUCH
ATTACKS IMMEDIATELY CEASE, AND CALLS UPON THE STATES
CONCERNED TO TAKE APPROPRIATE STEPS TO PREVENT SUCH
ATTACKS;

3. (AUTHORIZES) (CALLS UPON) MEMBER STATES ON WHOSE
TERRITORY SERIOUS ACTS OF VIOLENCE IN REFUGEE CAMPS HAVE
TAKEN PLACE TO DETAIN PERSONS AGAINST WHOM THERE IS
CREDIBLE EVIDENCE THAT THEY HAVE INCITED OR PARTICIPATED
IN SUCH ACTS;

4. REQUESTS THAT STATES DETAIN PERSONS PURSUANT TO
PARAGRAPHS 1 AND 3 ABOVE IN ACCORDANCE WITH APPLICABLE
STANDARDS OF INTERNATIONAL LAW, PENDING PROSECUTION OF
SUCH PERSONS BY THE INTERNATIONAL CRIMINAL TRIBUNAL FOR
RWANDA OR BY THE APPROPRIATE NATIONAL AUTHORITIES;

5. DECIDES THAT ALL STATES DETAINING PERSONS FOR THE
REASONS SPECIFIED IN PARAGRAPHS 1 AND 3 SHALL PROMPTLY
INFORM THE SECRETARY-GENERAL AND THE PROSECUTOR OF THE

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA OF THE IDENTITY
OF PERSONS DETAINED, THE NATURE OF THE CRIMES BELIEVED TO
HAVE BEEN COMMITTED, THE EVIDENCE PROVIDING PROBABLE CAUSE
FOR THE DETENTIONS, THE DATE WHEN THE PERSONS WERE

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DETAINED, AND THE PLACE OF DETENTION;

6. CALLS UPON ALL STATES DETAINING PERSONS FOR THE
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REASONS SPECIFIED IN PARAGRAPHS 1 AND 3 TO ALLOW UNIMPEDED
ACCESS TO THEM BY REPRESENTATIVES OF THE INTERNATIONAL
COMMITTEE OF THE RED CROSS, AS WELL AS BY INVESTIGATORS
FOR THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

7. DECIDES TO REMAIN ACTIVELY SEIZED OF THE MATTER.

END TEXT CHRISTOPHER

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